

**Remarks**

At the time of the Office Action, claims 9-18 and 25-26 were pending. Claim 9 stands rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2003/0210336 to Carau et al. (hereinafter Carau) in view of U.S. Patent No. 6,167,469 to Safai et al. (hereinafter Safai). Claims 10-18 stand rejected under 35 U.S.C. §103(a) as being obvious over Carau and Safai, and further in view of U.S. Patent No. 5,555,194 to Cok (hereinafter Cok). In addition, claims 25-26 are rejected under 35 U.S.C. 112, first paragraph.

In the present response claim 9 is amended and claims 25 and 26 are canceled without prejudice or disclaimer. In view of the cancellation of claims 25 and 26, it is submitted that the rejection under 35 U.S.C. 112 first paragraph is obviated.

As an initial matter, the Applicant submits that the citation of Carau against the present claims is specious. In particular, the Applicant points out that Carau does not disclose, teach, suggest or contemplate retouching. Instead, Carau discloses the broad concept of image editing, and expressly discloses cropping and red-eye correction operations.

In the rejection of claim 9 the Examiner has analogized Carau's microcontroller (ref. no. 161) as both of the Applicant's region recognition unit and the region retouch unit. First, the Applicant points out that Carau's ASIC (ref. no. 102) "executes the edit logic150, which enables on-camera editing of digital images." (see paragraph 0020 of Carau) Accordingly, the Applicant submits that the Examiner's interpretation of Carau is faulty since Carau does not disclose, teach, suggest or contemplate that microcontroller performs the functions/operations of the Applicant's recited region recognition unit and the region retouch unit.

Second, even if the Examiner were to more properly characterize Carau's ASIC as both of the Applicant's region recognition unit and the region retouch unit, nevertheless the Applicant points out that claim 9 is amended to recite that the region recognition unit and the region retouch unit are different and/or distinct from each other. That is, these units are separate and have dedicated functions (see, for example, FIG. 6 of the present application and

the related description thereof). Carau does not disclose, teach, suggest or contemplate that the region recognition and region retouch functions are or could be distributed across two units. Safai cannot cure Carau in this regard since Safai does not provide any details regarding how Safai performs retouching. Furthermore, Cok and the remaining art of record cannot cure Carau in the regard since none of the references teach, disclose, suggest or contemplate separate region recognition and region retouch units.

Finally, the Applicant submits that the Examiner has not properly considered nor treated on the merits the language in claim 9 “the second button operable to initiate *only* a retouching function of the recognized image region.” (emphasis added) Although Carau discloses a user interface (ref. no. 164) that may include one or more buttons, Carau does not disclose, teach, suggest or contemplate a button that is operable to only initiate a retouching function of an image region. None of the cited references can cure Carau in this regard since the references similarly do not disclose, teach, suggest or contemplate a dedicated retouching button. Such a button would be an important improvement in the art as it would make retouching easier and more convenient for a user.

In view of the foregoing, it is submitted that claim 9 and the claims depending directly or indirectly therefrom are allowable. The application is considered in good and proper form and the Examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would help resolve any issues that remain, the Examiner is invited to call the undersigned.

Respectfully submitted,

/mark bergner/

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